IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 22801 of 2004

Between:

P. Nagalinga Reddy S/o Errabayapu Reddy
R/o Kandikapula Village, Putluru Mnadal, Ananthapur District

..... PETITIONER

AND

1 The Joint Collector, Ananthapur Ananthapur District
2 The Revenue Divisional Officer, Ananthapur, Ananthapur

District
3 The Mandal Revenue Officer, Putlur, Ananthapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing the orders in stay petition filed by the petitioner appeal in Rc. No. K4/ATP/1014/2004 dated 6-12-2004 as illegal arbitrary and improper.

Counsel for the Petitioner:MR.LAKKADI.DAYAKER REDDY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

O R D E R:

The petitioner was appointed as a Fair Price Shop dealer, way back in the year 1974. His authorization was suspended by the second respondent, through show-cause notice-cum-suspension order dated 14.08.2004. Aggrieved by the same, he preferred an appeal before the first respondent, together with an application for grant of stay. Complaining that the application for stay was not disposed of even after lapse of several weeks, he filed W.P.No.17174 of 2004 in this Court. The said writ petition was disposed of on 23.09.2004, directing the first respondent to pass appropriate orders in the appeal, within two weeks from the date of receipt of a copy of the order. The petitioner has now received a notice of hearing dated 6.12.2004 from the first respondent, fixing the date of hearing of the appeal on 18.12.2004. He complains that the first respondent has not regarded the directions issued by this Court, and in the mean while, he is put to irreparable loss.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner availed the statutory remedy of appeal against the order of suspension. The first respondent was directed by this Court, through order dated 23.09.2004 in W.P.No.17174 of 2004, to dispose of the appeal within two weeks. In the notice of hearing dated 6.12.2004, reference is made to the order in the writ petition. Still a date of hearing is fixed nearly 12 weeks after the date of order of this Court. It only demonstrates the amount of respect the first respondent has exhibited to the orders of the Court. If there was any impending cause coming in the way of disposal of the appeal, he ought to have considered and pass appropriate orders in the application for grant of stay. The petitioner cannot be left at the mercy and *ipse dixit* of the respondents.

A perusal of the order of suspension discloses that the only ground alleged against the petitioner is that the supply of essential commodities is being made with under-weighment and excessive price. The second respondent ought to have thought a while before suspending the authorization of a dealer working since last three decades on such vague and unverified grounds. The petitioner states that he has already submitted explanation. Having regard to the indifference exhibited by the first respondent in disposal of the appeal and the trivial nature of allegation against the petitioner, this Court finds that there is no point in requiring the first respondent to proceed with the appeal.

Hence, the writ petition is disposed of, directing that the suspension of dealership ordered by the second respondent against the petitioner shall stand set aside, and the second respondent shall pass final orders in the matter, duly taking into account the explanation submitted by the petitioner. In that view of the matter, there shall not be any necessity for the first respondent to pass orders in the pending appeal. There shall be no order as to costs.

9th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Joint Collector, Ananthapur Ananthapur District
2 The Revenue Divisional Officer, Ananthapur, Ananthapur

District
3 The Mandal Revenue Officer, Putlur, Ananthapur District

4. Two C.Cs to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two CD copies